

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAMEL NORRIS,	:	
	:	
Plaintiff,	:	
	:	21-CV-8356 (VSB)
-against-	:	
	:	<u>ORDER</u>
	:	
PSYCHIC BOUTIQUE CORP., et al.,	:	
	:	
Defendants.	:	
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VERNON S. BRODERICK, United States District Judge:

Plaintiff initiated this action on October 9, 2021, (Doc. 1), and filed an affidavit of service as to Defendant Psychic Boutique Corp. on December 25, 2021, (Doc. 8.) Defendant Psychic Boutique Corp.’s answer was due by November 26, 2021. (*See id.*) On January 7, 2022, I ordered Plaintiff to move for default judgment against Defendant Psychic Boutique Corp. or otherwise risk dismissal of those claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 9.) On April 5, 2022, Plaintiff moved to vacate my order for Plaintiff to seek default judgment against Defendant Psychic Boutique Corp. because the attorney for Defendant Psychic Boutique Corp. stated that Defendant Psychic Boutique Corp. “is in bankruptcy and that there will be an ‘automatic stay.’” (Doc. 19.) On April 6, 2022 and again on April 29, 2022, I ordered Plaintiff to notify Defendant Psychic Boutique Corp. that this Court orders Defendant to enter its appearance on or before April 20, 2022 for the limited purpose of filing a notice of the bankruptcy action and the automatic stay. (Docs. 21–22.) On May 6, 2022, Defendant Psychic Boutique Corp. filed an appearance in this matter. (Doc. 23.) On May 12, 2022, I ordered Defendant Psychic Boutique Corp. to file a notice of the bankruptcy action and

the related stay of this action against Defendant by May 19, 2022. (Doc. 24.) That deadline has passed, and Defendant Psychic Boutique Corp. has not filed the notice. Accordingly, it is hereby:

ORDERED that, on or before June 10, 2022, Defendant Psychic Boutique Corp. file a notice of the bankruptcy action and the related stay of this action against Defendant Psychic Boutique Corp.

IT IS FURTHER ORDERED that if Defendant Psychic Boutique Corp. fails to file the notice of the bankruptcy action by June 10, 2022, Plaintiff must move for a default judgment in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases on or before June 17, 2022. If Plaintiff fails to do so or otherwise demonstrate that they intend to prosecute this litigation, I will dismiss this case against Defendant Psychic Boutique Corp. for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: June 2, 2022

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", with a stylized flourish at the end.

Vernon S. Broderick
United States District Judge